



NO. 6288

1-3-03
1.131

Declaration
PATENT

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: Soeren H. Thomsen et al.

Serial No.: 10/044,589

Filed: January 11, 2002

*For: Method and Apparatus for
Providing a Message Creation
Reference Associated With a Real-
Time Communication Message*

Group Art Unit: 2683

Examiner: James D. Ewart

*I hereby certify that this paper is being
deposited with the United States Postal
Service, first class postage prepaid, addressed
to: Mail Stop Non-Fee Amendment,
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450*

7/28, 2003

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DEC 30 2003

Technology Center 2600

Anthony G. Sirko
Reg. No. 36,278

**COMBINED DECLARATION OF SOEREN H. THOMSEN
AND KEVIN C. MOWRY PURSUANT TO 37 C.F.R §1.131**

We, Soeren H. Thomsen and Kevin C. Mowry, do hereby declare as follows:

1. We are joint inventors of the subject matter disclosed and claimed in the above-captioned application.
2. We have been informed that the above-captioned application, US Application Serial No. 10/044,589 was filed January 11, 2002 ("our application").
3. We submit this Declaration for the purpose of providing evidence that the subject matter claimed in our application was conceived in the United States of America as of a date prior in time to March 13, 2001, and that we diligently worked, with our co-inventor Steven E. Trine and our patent counsel, toward filing a patent application with the United States Patent and Trademark Office from a time at least as early as just prior to March 13, 2001 up until the filing date of our application on January 11, 2002.

4. We have also been informed that Matsumoto et al., U.S. Patent Publication No. 2002/0023128, (hereinafter, "Matsumoto"; a copy of which is attached hereto as Exhibit "A"), was cited against the claims pending in our application.

5. We have also been informed that Golan, U.S. Patent Publication No. 2002/0194278, (hereinafter, "Golan"; a copy of which is attached hereto as Exhibit "B"), was cited against the claims pending in our application.

6. We have been informed that the effective date of Matsumoto as an alleged prior art reference is March 13, 2001.

7. We have been informed that the effective date of Golan as an alleged prior art reference is April 3, 2001.

8. We have read and understood Matsumoto, attached as Exhibit A.

9. We have read and understood Golan, attached as Exhibit B.

10. To establish the date of conception of our invention prior to March 13, 2001, we provide evidence in the form of a Motorola Invention Disclosure, Document No. PF2187NA that we prepared attached hereto as Exhibit "C" (dates have been redacted from Exhibit "C"). The invention disclosure was prepared in the United States of America, where our invention was also conceived, prior to March 13, 2001. The invention disclosure describes the invention of the above-noted patent application, and specifically includes a description of a method and an apparatus (e.g., a mobile station) for arranging real-time communication messages in a communication system. The communication system described provides real-time communication service such as instant messaging service and group chat service to a plurality of subscribers. The mobile station generates a message creation reference (MCR) associated with a real-time communication message (e.g., an instant messaging message and a group chat message) composed by one of the plurality of subscribers. The MCR may take on a number of characteristics as described in the invention

disclosure. The mobile station transmits the MCR and the real-time communication message so that the real-time communication message is arranged relative to the plurality of real-time communication messages during a real-time communication session based on the MCR. Therefore, the plurality of real-time communication messages is in a sequential order.

11. Subsequent to sending the invention disclosure to our patent counsel, we worked diligently with patent our counsel to prepare and file the instant application. Specifically, we submitted the invention disclosure for review and consideration by the Motorola Patent Committee responsible for our work group, and following approval for filing of the application by the Motorola Patent Committee, we worked with assigned outside counsel, Marshall, Gerstein & Borun to prepare our application and to cause it to be filed.

12. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

July 24, 2003
Date

Soeren H. Thomsen
Soeren H. Thomsen

Date

Kevin C. Mowry



PATENT

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Date

7/25/2003
Date

Soeren H. Thomsen

K C M
Kevin C. Mowry